



# NEWS

Judicial Council of California  
ADMINISTRATIVE OFFICE OF THE COURTS  
Public Information Office  
(415) 865-7740  
Lynn Holton, Public Information Officer

Release Date: August 28, 2001

Release Number: S.C. 34/01

## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF AUGUST 20, 2001**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-102 People v. Adair, S098218. (B138462; 88 Cal.App.4th 1297.) Petition for review after the Court of Appeal reversed an order in a criminal action. This case concerns the proper standard of appellate review of a trial court's finding of factual innocence under Penal Code section 851.8, which provides for the sealing and destruction of arrest records when the court finds no reasonable cause that the person committed the offense.

#01-103 Colmenares v. Braemar Country Club, Inc., S098895. (B142962; 89 Cal.App.4th 778.) Petition for review after the Court of Appeal affirmed the summary judgment in a civil action. This case concerns (1) whether the Fair Employment and Housing Act (Gov. Code, § 12940 et seq.), prior to the enactment of Government Code section 12926.1 and the amendment of Government Code section 12926, subdivision (k) by the Prudence Kay Poppink Act (stats. 2000, ch. 1049), required that a plaintiff who alleges that he or she was discriminated against on the basis of disability prove that his or her disability *substantially* limited a major life activity; and (2) whether the 2000 legislation, which explicitly provides that a substantial limitation is *not* required, should

(over)

be applied retroactively if it represents a change in the law rather than a clarification of the preexisting law.

#01-104 Lantzy v. Centex Homes, S098660. (A091838; 89 Cal.App.4th 1059.)  
Petition for review after the Court of Appeal reversed the judgment in a civil action. This case concerns whether the statute of limitations for an action to recover damages for latent construction defects (Code Civ. Proc. § 337.15) is subject to equitable tolling during periods of repair, or, alternatively, whether the principle of equitable estoppel bars application of the limitations period.

#